

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Jolene Smart, as Personal Representative of
the Estate of Michele Fowner, Decedent,

Plaintiff,

vs.

No. 1:16-cv-01251-KG-WPL

The United States of America,

Defendant.

MOTION TO DISMISS

COMES NOW, the Plaintiff Jolene Smart, as Personal Representative of the Estate of Michele Fowner, by and through her attorneys of record, DAVID DUHIGG AND DAVID BERLIN, DUHIGG, CRONIN, SPRING & BERLIN, P.A., and hereby moves the Court to dismiss the above-entitled cause, without prejudice, as to all of Plaintiff's claims alleged herein against Defendant, The United States of America. The parties agree that each party shall bear its own costs and attorneys fees.

WHEREFORE, Plaintiff respectfully prays that the Court enter the relief prayed for herein and that all costs be charged to the party incurring same.

DUHIGG CRONIN SPRING & BERLIN, P.A.

/s/ David Duhigg

David Berlin

David Duhigg

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that Plaintiff's Motion to Dismiss as to Defendant was emailed to counsel of record on this 15th day of June, 2017.

/s/ David Duhigg

David Duhigg